

Subsequently the report of the committee was concurred in, when Mr. Hayes moved (the House concurring) that 2,000 copies of said bill be printed, in order that the Sheriffs of the several counties may be supplied. Agreed to. (We will publish this bill as soon as we can procure a printed copy of it, as finally amended and passed.)

Mr. Blythe introduced a bill to amend an act to incorporate the Greenville and French Railroad Company.

The following bills were acted upon on their third reading and disposed of as follows:

Bill to legalize and confirm a decree made by the city of Wilmington, in the Fall Term, A. D. 1867, in the county of Brunswick, in favor of the heirs at law of G. W. Canfield, deceased. On motion of Mr. Blythe, it was laid on the table.

An act entitled an act concerning Inspectors of the city of Wilmington, was read, and Mr. Robbins, referred to a Special committee of three. The Chair designated as follows, viz: Messrs. Sweet, Hall, and Legg.

An act to amend chapter eighty-five of the Revised Code, providing for the election of Commissioners of Pilotage for the Cape Fear Navigation, was on motion of Mr. Robbins, referred to the committee on Corporations.

Bill to incorporate the town of Brevard, in the county of Transylvania, passed.

The bill reads: The corporate limits shall extend from a central point one mile each way. This is a round town six miles in circumference.)

An act to regulate the collection of taxes throughout the State, (Senate bill by Mr. Colgrove), which reads as follows: The Governor, by and with the advice and consent of the Senate, shall appoint a Sheriff, to receive the tax list of each Sheriff, on receiving the tax list of his county, to give at least ten days public notice in each township or precinct, for the purpose of giving notice to all persons liable to pay on that day, or within fifteen days thereafter, shall pay ten per cent. additional fees.

Sec. 2. And he further enacted, that the Sheriff shall have the power to levy on real estate for taxes, and to sell the same, and to give forty days public notice thereof; Provided, There is not enough personal property to be found to pay said taxes.

Sec. 3. This act shall apply to all uncollected taxes.

Sec. 4. This act shall take effect from and after its passage.

Mr. Robbins moved its indefinite postponement. He was surprised that any Senator should have introduced such a measure. He supposed that it must have originated from some man who had been in North Carolina. He protested against this bill, in the name of the protesting people of this State. The laws upon this subject were already stringent enough. This bill would enrich the Sheriff, but was death to our poverty-stricken people.

Mr. Colgrove said, that the bill should be referred to an appropriate Committee, but was opposed to its indefinite postponement.

Messrs. Osborne and Barrow concurred in the position taken by Mr. Robbins. The Committee of Finance were introduced a general bill covering this subject, and they were in favor of its indefinite postponement.

The bill was postponed indefinitely by a vote of 31 yeas to 1 nay—Mr. Colgrove alone voting in the negative.

Bill appointing Justices of Superior Courts, Clerks of Superior Courts and Chairmen of the Boards of County Commissioners to take private examination of *James Covert* in the conveyance of real estate, was amended and passed.

On motion of Mr. Jones, of Wake, the Senate adjourned until Monday morning, 10 o'clock.

The Sprig of Royalty in the chair said the question had been put, and lost from the fact of a quorum not voting; therefore the motion to call the yeas and nays was out of order.

A message from the Senate was read, asking the concurrence of the House in a resolution instructing the committee on Revision to make arrangements to print the Code Commissioners' Report. Referred.

CALENDAR.

A report from the Judiciary Committee, which had been placed upon the Calendar, was taken up and read. (The report recommends that the consideration of the bill to change the mode of electing Superior Court Judges be postponed until next session.)

Mr. Bowman moved that the House adopt the recommendation. Carried.

A report from the same committee was read, recommending the passage of a bill to prohibit the sale of liquor on days of election.

Mr. Bowman moved to amend by extending the provision of the act to days on which the terms of the Superior Courts are held.

Mr. Pott said the effect of Mr. B's amendment would be to change the bill from one that he wanted time to consider it; and, therefore, moved to make the bill the special order for Wednesday next at 11 o'clock. Carried.

The chair announced the hour for the special order, viz: the bill in relation to the election of Justices of the Peace. The bill was put on its second reading and read section by section.

Mr. Durham called attention to Section 5, Article XIV, of the Constitution, pointed out, in an able and lucid argument, the object of the section, and proceeded to show that conferring such powers upon the Governor was provided for in the bill would be a plain violation of their oaths to support the Constitution.

Mr. Seymour endeavored, by extracts here and there in the Constitution, to show the constitutionality of the measure.

Mr. Durham said that it was a maxim known to all that constitutions should be construed strictly, and suggestions as to intended meaning should never be called up when a principal of the instrument is discussed. They had no right to take merely the verbiage of one section and twist its construction to suit their purposes. It should be taken as a whole, and the bearing of one section upon another should be considered.

Mr. Seymour merely reiterated his former views.

Stilley jumped up and read something totally foreign to the subject.

Mr. Durham again addressed the House, showing up completely the illegality of the bill, and the iniquity in which it was conceived.

Somebody here trod on old Mr. Downing's toes and woke him up. He rubbed his eyes and asked information on several points in the argument.

Stilley said something, and so, in endeavoring to further elucidate the subject, succeeded perfectly in muddling the whole matter.

Mr. Bowman took the Chair and the royal young 'un took the floor, and proceeded in the most approved "spread eagle" style, to take in favor of his august papa's measure. He particularly exploded upon Gen. Canby's order, and the true meaning of the article in question, and gave a metaphysical disquisition on the words "appointed" and "elected," which had made such Locke dumb in admiration.

James Harris (negro) thought the intention of the bill as clear as the noon day's sun.

Mr. Seymour, greatly lamenting the absence of the rebellion, and the present poverty, laboring faithfully to make everybody look through his spectacles.

Mr. Pott thought the bill expedient, and should vote for it if it could be proven satisfactory that its passage did not violate the Constitution, and thought if this should be shown, he would vote in favor of the bill, which would remedy the evil by passing a bill providing for early elections.

Stilley attempted to make a point, but he drew it so excessively fine that no one could follow him.

Mr. Argo replied to the artistic use of words by the Prince, and proceeded, in an able and effective argument, to expose the unconstitutionality of the bill and the evident malignant and wicked purpose of it.

After much talk, the further consideration of the bill was postponed until Monday 11 o'clock.

The committee to whom was referred Mr. Sinclair's bill regulating taxes in corporations, towns, reported up its unfavorable report.

Mr. Bowman moved, as Mr. Sinclair was absent, that the bill be passed over. Carried.

The committee to whom was referred the bill to continue in office the municipal authorities of Salisbury, reported recommending its passage.

Mr. Bowman moved to postpone it until Monday next. Carried.

By Ladin, (c. b.): A resolution that the committee on contested elections be discharged from the further consideration of the Camden county case, and that it be referred to the committee on contested elections.

House bill No. 36, introduced by Justice, of Rutherford, proposing to prevent landholders from discharging their employees, was taken up when Mr. Moore moved to lay it on the table.

The motion to lay was put and lost by a strict party vote.

After some further unimportant business, the gang took a notion it was time to quit, and the session of the day terminated, made the necessary motion, which, being put, was carried.

Message of the President—Veto of the Electoral College Bill.

The President yesterday sent to the Senate the following message: To the Senate of the United States: I have given to the joint resolution entitled "A resolution excluding from the electoral college votes of the States lately in rebellion, which shall not have been reorganized, and which have not been admitted to the Union," my assent, and I have been able to bestow upon the subject during the few days that have intervened since the measure was submitted for my approval.

Feeling constrained to withhold my assent, I herewith return the resolution to the Senate, in which house it originated, with a brief statement of the reasons which have induced my action.

This joint resolution is based upon the assumption that some of the States whose inhabitants were lately in rebellion are now entitled to representation in Congress and to participate in the election of President and Vice-President of the United States.

Having heretofore had occasion to give in detail my reasons for dissenting from this view, it is not necessary at this time to repeat them. It is sufficient to state that I continue strong in my conviction that the acts of secession, by which a number of the States sought to dissolve their connection with the other States and to subvert the Union, being unauthorized by the constitution, and in direct violation thereof, were not binding upon the Government, and that I follow necessarily that when the rebellion terminated the several States which had attempted to secede continued to be States in the Union, and all that was required to enable them to resume their relations to the Union was that they should adopt the measures necessary to their practical restoration. Such measures were adopted, and the legitimate result was that those States, having conformed to all the requirements of the constitution, and resumed their former relations, and became entitled to the exercise of all the rights guaranteed to them by its provisions.

The joint resolution under consideration, however, seems to assume that by the insurrectionary acts of their respective inhabitants those States forfeited their rights as such, and can never again exercise them except upon readmission into the Union and the terms prescribed by Congress. If this position be correct, it follows that they were taken out of the Union by virtue of their acts of secession, and hence that the war waged upon them was illegal and unconstitutional. We would thus be placed in this inconsistent attitude, that while the war was commenced and carried on upon the distinct ground that the Southern States, being component parts of the Union, were in rebellion against the lawful authority of the United States, upon its termination we resort to a policy of reconstruction which assumes that it was not in fact a rebellion, but that the war was waged for the conquest of territories assumed to be outside of the constitutional Union.

The mode and manner of receiving and counting the electoral votes for President and Vice-President of the United States are in plain and simple terms prescribed by the constitution. That instrument imperatively requires that the President of the Senate, "when the President of the United States and House of Representatives, open all the certificates, and the votes shall then be counted." Congress has therefore no power, under the constitution, to receive the electoral votes or reject them. The whole power is exhausted in the present case by the two houses, the votes are counted and the result is declared. In this respect the power and duty of the President of the Senate are, under the constitution, purely ministerial. When, therefore, the joint resolution declares that no electoral votes shall be counted, it is declared that the President of the Senate, by his act, since the 4th of March, 1867, have not "adopted a constitution or State government under which a State government shall have been organized," a power is assumed which is nowhere delegated to Congress, and which is nowhere reserved to the States governments organized prior to the 4th of March, 1867, were illegal and void.

The joint resolution, by implication at least, concedes that these States were States, by virtue of their organization, prior to the 4th of March, 1867, and that they were entitled to vote in the election of President and Vice-President of the United States. It follows either that this assumption of power is wholly unauthorized by the constitution, or that the States so excluded from voting were out of the Union by reason of the rebellion, and hence were not legitimately restored. Being fully satisfied that they were never out of the Union, and that their relations thereto have been legally and constitutionally restored, I am forced to the conclusion that the joint resolution, which deprives them of the right to have their vote for President and Vice-President received and counted is in conflict with the constitution, and that Congress has no more power to reject their votes than those of the States which have been uniformly loyal to the federal Union.

It is worthy of remark that the States whose inhabitants were recently in rebellion were legally and constitutionally organized and restored to their rights prior to the 4th of March, 1867, as I am satisfied they were the only legitimate authority under which the election of President and Vice-President can be held therein must be derived from the governments instituted before that period.

It clearly follows that all the State governments organized in those States under acts of Congress for that purpose, and military control, are illegal and unconstitutional, and that the States, in that view, the votes cast in those States for President and Vice-President, in pursuance of acts passed since the 4th of March, 1867, and in obedience to the so-called reconstruction acts of Congress, are illegal and void, and that the votes counted, while the only votes in those States that can be legally cast and counted will be those cast in pursuance of the law in force in the several States prior to the legislation by Congress upon the subject of reconstruction.

I cannot refrain from directing your special attention to the declaration contained in the joint resolution that "none of the States whose inhabitants were lately in rebellion shall be entitled to representation in the electoral college," etc.

If it is meant by this declaration that no State is to be allowed to vote for President and Vice-President, and that the States whose inhabitants were engaged in the late rebellion, it is apparent that no one of the States will be excluded from voting, since it is well known that in every Southern State there were many inhabitants who not only did not participate in the rebellion, but who actually took part in its suppression, and refrained from giving it any aid or countenance. I therefore conclude that the true meaning of the joint resolution is, that no State, a portion of whose inhabitants were engaged in the rebellion, shall be permitted to participate in the election of President and Vice-President, and that the condition excepted upon the terms and conditions therein prescribed.

Assuming this to be the true construction of the resolution, the inquiry becomes pertinent, may those northern States—a portion of whose inhabitants were actually in the rebellion, be permitted to participate in the election of President and Vice-President of Congress from having their electoral votes counted? It is well known that a portion of the inhabitants of New York and a portion of the inhabitants of Virginia were alike engaged in the rebellion, yet it is known that in New York, and in Virginia, was at all times during the rebellion recognized by the federal government as a State in the Union—so clearly that upon the termination of hostilities it was not even deemed necessary for her restoration that a provisional Government should be appointed. Yet, under the joint resolution, the people of Virginia, unless they comply with the terms it prescribes, are denied the right of voting for President, while the people of New York, a portion of the inhabitants of which State were also in rebellion, are permitted to have their electoral votes counted, without undergoing the process of reconstruction prescribed for Virginia. New York is no more a State than Virginia; the one is as much entitled to be represented in the electoral college as the other. If Congress has the power to deprive Virginia of this right, it can exercise the same authority with regard to New York or any other of the States. Thus the result of the Presidential election may be controlled and determined by Congress, and the people be deprived of the right under the constitution to choose a President and Vice-President of the United States.

If Congress were to provide by law that the votes of none of the States should be received and counted if cast for a candidate who differed in political sentiment with a majority of the two houses, such legislation would at once be condemned by the country as an unconstitutional and revolutionary usurpation of power. It would, however, be exceedingly difficult to find in the constitution any more authority for the passage of the joint resolution under consideration than for an enactment looking directly to the rejection of all votes not in accordance with the political preferences of a majority of Congress.

No power exists in the Constitution authorizing the joint resolution or the sup-

posed law—the only difference being that one would be more palpably unconstitutional and revolutionary than the other. Both would rest upon the radical error that Congress has the power to prescribe terms and conditions as to the right of the people of the States to cast their votes for President and Vice-President.

For the reasons thus indicated I am constrained to return the joint resolution to the Senate for such further action thereon as Congress may deem necessary.

ANDREW JOHNSON.
Washington, July 20, 1868.

GRAND RATIFICATION MEETING.

ENTHUSIASTIC ASSEMBLY OF THE DEMOCRATIC PARTY OF WILMINGTON.

Eloquent and Stirring Addresses.

The Theatre was crowded to its utmost capacity on the occasion of the Grand Democratic Ratification Meeting last night. Amid the blaze of tar barrels and the music of the band, the large building was rapidly filled to overflowing by an anxious, eager audience. Many of our fair ladies honored the occasion with their presence.

The stage was tastefully decorated with national ensigns, above all of which was hung a large banner containing the names of our candidates.

The meeting was called to order by Col. Roger Moore, President of the Democratic Club; whereupon Hon. Geo. Davis was called to preside, and Messrs. John C. Bailey, S. A. Ashe, W. W. Harris, W. B. Flanner, J. J. Hedrick, P. Heinsberger, L. B. Grainger, R. S. Radcliffe, John Colville, M. M. Katz, H. A. Bagg and J. F. Divine elected Vice-Presidents, and R. B. Wood, Jr., and C. H. Robinson, Secretaries.

As the Chairman, Vice-Presidents and Secretaries took their station upon the stage, the band played a national air amid much cheering and enthusiastic demonstration.

Upon taking the chair Hon. GEORGE DAVIS addressed the audience in a few remarks alluding with stinging sarcasm to our so-called arrival "home," the deposition of King Canby and the substitution of King Holden, our happy family of the State, Executive, Legislative and Judicial, and finally, the manner in which their security will be distributed by the result of the November election.

On motion, a committee of three, consisting of Maj. J. A. Engellhard and Messrs. S. A. Ashe and E. S. Martin, were appointed to draft resolutions for the action of the meeting.

The committee retired and after a short consultation reported through their Chairman, Maj. J. A. Engellhard, the following resolutions which were adopted:

1st. Resolved, That we heartily endorse the platform of principles adopted by the National Democratic Convention.

2d. Resolved, That we cordially ratify the nomination of Governor Frank Pickens, of New York, and General Frank B. Blair, of Illinois, for President and Vice-President of the United States.

3d. Resolved, That we do hereby pledge to these standard-bearers, and to the platform, our united, earnest and active support, and to extend our efforts to the rescue of our country from the domination of the late rebellion, and to ask them to unite with us, heart and hand, in the restoration of our country.

4th. Resolved, That we endorse the call for a State Convention to meet in Raleigh on the 19th of August, and to recommend that a meeting of the citizens of New Hanover be held in this city on the 4th day of August, to appoint delegates to said convention.

5th. Resolved, That we pledge to the Democratic Party, and to the cause of the South, to spare no efforts to rescue our State from Radical domination, and ask them to unite with us, heart and hand, in the restoration of our country.

6th. Resolved, That we endorse the call for a State Convention to meet in Raleigh on the 19th of August, and to recommend that a meeting of the citizens of New Hanover be held in this city on the 4th day of August, to appoint delegates to said convention.

Maj. ROBERT STRANGE, Delegate from this District to the National Democratic Convention, then appeared and was greeted with much applause. He proceeded to describe to the audience the action of that great nominating Convention, recently assembled in Tammany Hall—the harmony of its deliberations; the great gathering of the first intellects of the country; the warm greeting and kind welcome extended our Southern Delegates by their Northern brethren, and the happy, firm, cheering encouragement given them—but first of all, the character of the man then nominated for President; he who stands before the world—even so confessed by his political enemies—the purest and best man in public life; his large experience; massive intellect—the foremost among all the great men proposed for this position. This effort of Maj. STRANGE abounded with force and eloquence, and gave encouragement, satisfaction and pleasure. One of the most forcible appeals to throw aside their blindness was made to the colored people, who crowded the galleries, that we have ever heard, and was listened to on their part with attention and becoming respect.

Col. R. H. COWAN then followed Maj. STRANGE in a speech of about an hour long, in which, in the words of VANCE, he "roused" a little. He asserted with that force which must always carry conviction that it was by no selfish motives we were prompted to support the nominees of that Convention. If we would right the ship of State and be as we should be, the country must be placed under proper, intelligent and principled control—the mutinous, insubordinate, despicable, murderous Radical crew driven from its decks and SEYMOUR and BLAIR placed in command. If we fail in this contest the South has nothing to look forward to but death and worse than death. But we will not fail. The address of this gentleman claims an especial pre-eminence among the most eloquent and able he has ever delivered. In his general remarks, coming down to our State government, his eloquence passed all ordinary bounds, and from the height of bitter, withering contempt in which he looked down upon Holden and his despicable aims and ends, he was perfectly commanding, and appeared clothed with just and righteous indignation. He was most enthusiastically cheered on his retirement.

The Hon. Geo. DAVIS was then called for and only arose to declare that he and Democracy had clasped hands over the grave of the past, and would henceforth continue good friends.

The meeting then adjourned with three cheers for SEYMOUR and BLAIR. It was by far the most enthusiastic meeting held here since the war.

Mr. WILSON did not appear, having been

compelled to leave the city yesterday on business. We extract the following paragraph from a letter to the Corresponding Secretary of the Club, expressing his regrets, and informing him of the fact of his unavoidable absence:

"Being thoroughly satisfied that the enjoyment in the future, by the people of the United States, of the constitutional liberty, which alone gives value to our form of government, depend upon the success of the nominees of the recent National Democratic Convention, I regard it as my patriotic duty of every citizen, by the means at my command, to aid in securing such a result, and I repeat that I am truly sorry that I cannot be present at the contemplated meeting."

Daily Journal, 23d.

"LOYAL" MILITIA.—"Gov." Holden sent in the following message to the Legislature on Friday:

EXECUTIVE DEPARTMENT OF N. C., Raleigh, July 17th, 1868.

To the Honorable General Assembly of North Carolina: GENTLEMEN: I desire respectfully to call your attention to the importance of the immediate organization of the militia, and especially to the necessity of adding police forces in each of the counties of the State.

North Carolina is now a State of and in the midst of reconstruction, and it is expected by the people that provision should be made by the Executive which will be able at all times, in whole or in part, promptly and faithfully to execute the laws.

The work of reconstruction will not have been completed until the new order of things shall be established. When the State government is thus re-established, all its departments under the Constitution, it is not only the duty of the Executive, but it is also the duty of the militia, to oppose to the authority will be encountered. The militia and the police, it is the avowed purpose of the enemies of the Government of the State, to subvert the government of the State, to subvert the authority of the Executive, and to subvert the latter on the pretext that it is not constitutional in its origin and character. It is not apprehended that any collision will occur, or that the peace will be seriously disturbed, or that the quarter of the State, but in the event of such a collision, it is the duty of the State government against all assaults, to preserve the peace, to secure to the people the right of free election, and to aid in bringing the country to a condition of peace and order, and to subvert the latter on the pretext that it is not constitutional in its origin and character. It is not apprehended that any collision will occur, or that the peace will be seriously disturbed, or that the quarter of the State, but in the event of such a collision, it is the duty of the State government against all assaults, to preserve the peace, to secure to the people the right of free election, and to aid in bringing the country to a condition of peace and order, and to subvert the latter on the pretext that it is not constitutional in its origin and character. 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